

Remarks

Please amend claims 1, 5-8, 10-11, 14-16, 20, 23 and 26. Claims 3 and 25 have been canceled. Claims 27-29 have been added. Therefore, claims 1-2, 4-24 and 26-29 are pending.

Please amend the specification as indicated above. Paragraphs 026 and 066 have been amended to explicitly state the subject matter disclosed in original claims 3 and 25. Applicants submit that no new matter has been added, particularly in light of the description of “profile owner” in Paragraph 044 and the definition of “profile portion” in Paragraph 060. Paragraphs 035, 080, 081, 084 and 104 have been amended to correct typographical errors.

Rejections Under 35 U.S.C. § 112

Applicants respectfully submit that the rejection of claims 1-26 under § 112 is clearly wrong.

The Examiner contends that there is “insufficient antecedent basis” for the limitation, “A method including” in claim 1 (Office Action, p. 2). The Examiner also contends that there is “insufficient antecedent basis” for the limitation, “A system including” in claim 26 (Office Action, p. 2). These rejections do not make sense.

The words, “A method including” are the very first words in claim 1 -- the claim is directed specifically to “A method including”. The words, “A system including” are the very first words in claim 26 -- the claim is directed specifically to “A system including”. It is impossible for these phrases to lack sufficient antecedent basis in their respective claims, since there are no words before these phrases in their respective claims. The concept of “antecedent basis” therefore has no relevance to those phrases.

Furthermore, if the Examiner was trying to say that the phrases lack support in the description, Applicants respectfully disagree. Applicants clearly describe examples of a “method” throughout in the description, including in the section entitled “Methodology – Query/Response Against Profiles via a Profile Service Provider” starting on page 30, and related Figures 8-10. Applicants also clearly describe examples of a “system” throughout in the description, including in the sections discussing Figures 1-3.

Moreover, both the terms “method” and “system” are clear and definite on their faces. Any person of ordinary skill in the art would understand their meaning in this context, especially when read in light of the description and in light of the elements that follow the preamble in claims 1 and 26, respectively.

Finally, if the Examiner is rejecting the use of the transitional phrase “including,” Applicants direct Examiner’s attention to MPEP 2111.03 which evidences that “including” is considered to be an acceptable transitional phase.

Therefore, the rejection under 35 U.S.C. § 112 is improper and should be withdrawn.

Rejections Under 35 U.S.C. § 101

Claims 1-26 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, Examiner stated that the use of a computer has not been indicated. Independent claim 1 has been amended to include “using a first computing device”. Independent claim 26 has been amended to include “in a machine readable medium”. Additionally, both claims 1 and 26 deny read access to “a host computer that hosts the first profile”.

Furthermore, claims 1 and 26 also recites practical applications in the technical arts in reciting “wherein...read access to the file profile is denied to a host computer that hosts the first profile.”

Applicants respectfully submit that independent claims 1 and 26 are directed towards statutory subject matter. Therefore, pending dependent claims 2, 4-24 and 27-29 are also directed towards statutory subject matter. Applicants respectfully request withdrawal of the rejection.

Rejections Under 35 U.S.C. § 102

Claims 1-26 were rejected under 35 U.S.C. 102(b) as being anticipated by *Dean* et al., U.S. Patent No. 6,023,762 (“*Dean*”). Applicants respectfully submit that the present claims are patentable over *Dean*. The cited reference does not disclose or suggest all of the elements of the Applicants’ claims.

Applicants’ invention is directed towards enabling a user to allow others to use information about the user without obtaining access to the underlying information itself.

(Paragraph 007). To accomplish this, Applicants disclose a profile service provider to coordinate and facilitate access to one or more profiles of the user. (Paragraph 035). These profiles may be created in a number of different ways utilizing a number of different sources by a number of different entities, including allowing users to create descriptive profiles concerning themselves by submission of electronic documents. (Paragraph 032). The profile service provider affords a user control over access to the user's profiles, while also providing meaningful access to the profile by a requesting entity. (Paragraph 035). Therefore, in embodiments of Applicants' invention, a user may limit access to a profile, denying access to certain entities, including a host computer hosting the profile. (*See*, original claims 3 and 25).

Accordingly, independent claim 1, as amended, includes a limitation based on original claims 3 and 25: "wherein...read access to the first profile is limited to the profile subject and denied to a host computer that hosts the first profile." Independent claim 26 includes a similar limitation. Applicants submit that *Dean* does not disclose or suggest this limitation, as explained below.

In rejecting claim 25 (which depends from claims 1 and 3), Examiner cited *Dean* at col. 5, lines 22-39 and col. 5, lines 40-67 to col. 6, lines 1-25 to contend that *Dean* discloses that read access is denied to a host computer that hosts the first profile. (Office Action, p. 9, Nov. 24, 2004). Examiner suggested, in rejecting claim 1, that the "first profile" is disclosed by the "personal information, 202, fig. 2" of *Dean*. (Office Action, p. 4, Nov. 24, 2004). (Office Action, p. 5, Nov. 24, 2004). Therefore, it is Applicants understanding that Examiner believes that *Dean* discloses that read access is denied to a host computer that hosts personal information 202.

However, *Dean* states in reference to personal information 202 that "[a] user maintains one or more user databases 200-203 containing data describing personal and/or corporate information." (*Dean*, col. 4, lines 11-13). Therefore, the personal information 202 in *Dean* (or, the alleged "first profile") is a database containing personal information. Applicants have examined the sections cited in rejecting claim 25 (i.e., col. 5, lines 22-39 and col. 5, lines 40-67 to col. 6, lines 1-25) and are unable to find any disclosure or suggestion that read access is denied to a host computer that hosts a user database (e.g. personal information 202), or any motivation why that would be desirable.

Rather, in those sections, *Dean* discloses that “the agent comprises: an authentication decoder 400 for authorizing access to information in the data sources; a look-up table 401 addressed by the authentication decoder in order to determine whether access can be made available to a caller or denied; ...” (*Dean*, col. 5, lines 23-28 (emphasis added)). *Dean* further states in that section that “[t]he look-up table comprises data lists of types of caller who may request information from the user database, and for each caller type, sets of data files or types of data files in the user data sources which can be accessed by that category of caller...” (*Dean*, col. 5, lines 41-43 (emphasis added)).

Applicants cannot find in the sections in *Dean* cited by Examiner, or in any other section in *Dean*, a disclosure or suggestion that “a caller” or “a category of callers” includes the computer that hosts the user database. Applicants also cannot find in the sections cited by Examiner, or in any other section in *Dean*, a disclosure or suggestion that access can be (or should be) denied to the computer hosting the user database in any other way. Throughout *Dean*, access is allowed or denied to callers remote from the data, as is evidenced by *Dean*’s Field of Invention, which states: “The present invention relates to a method and apparatus for accessing one or a plurality of data sources from a remote location across a communications network.” (*Dean*, col. 1, lines 5-8). Therefore, *Dean* is directed towards controlling remote access to data, and neither discloses nor suggests controlling a host computer’s access to data which the computer hosts.

Therefore, *Dean* does not disclose or suggest that read access is denied to a host computer that hosts personal information 202 (or, the alleged “first profile”). Therefore, *Dean* fails to teach or suggest all of the limitations of Applicants’ claims. Accordingly, *Dean* does not anticipate independent claims 1 and 26.

Claims 2, 4-24 and 27-29 depend, directly or indirectly, from one of the foregoing independent claims. Therefore, *Dean* fails to anticipate claims 2, 4-24 and 27-29 for at least the reasons discussed above with respect to the independent claims. Withdrawal of the rejection is respectfully requested.

Conclusion

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jordan Becker at (408) 720-8300.

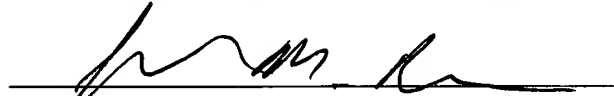
Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

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Respectfully submitted,

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